

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #12	CCRB Case #: 201703408	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/02/2017 6:30 PM	Location of Incident: 2271 Hylan Boulevard, and inside of the 122nd Precinct stationhouse	18 Mo. SOL 11/2/2018	Precinct: 122		
Date/Time CV Reported Tue, 05/02/2017 9:49 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 05/02/2017 9:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Vanessa Deluca	12008	954720	122 PCT
2. SGT Ilya Dimantov	4423	942775	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Milone	19368	955197	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Vanessa Deluca	Abuse: In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca threatened to issue a summonses to § 87(2)(b)	
B.POF Vanessa Deluca	Off. Language: In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca made remarks to § 87(2)(b) based upon ethnicity.	
C.POF Vanessa Deluca	Abuse: In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca threatened § 87(2)(b) with the use of force.	
D.SGT Ilya Dimantov	Abuse: Inside of the 122nd Precinct stationhouse, Sergeant Ilya Dimantov did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On May 3, 2017, § 87(2)(b) filed this complaint with the CCRB via the online website, which was submitted on May 2, 2017, and via telephone on May 3, 2017.

On Tuesday May 2, 2017, at approximately 6:30 p.m., PO Vanessa Deluca and PO Michael Milone stopped § 87(2)(b) for riding his bike on the sidewalk. While § 87(2)(b) was alone with PO Deluca, she allegedly stated to him that every time she saw him, that she would give him tickets until he was drained of his money (**Allegation A**). PO Deluca allegedly told § 87(2)(b) that he would have to leave the area or go back to his country (**Allegation B**) and that if he was to run away from her, that she would shoot him and that she would have an excuse to do so (**Allegation C**). After the incident, § 87(2)(b) went to the 122nd Precinct stationhouse to file a complaint. Sgt. Dimantov refused to process § 87(2)(b)'s complaint (**Allegation D**). § 87(2)(b) received a summons for § 87(2)(b).

Surveillance video of this incident was obtained.



§ 87(2)(b) Video.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- As of July 20, 2017, § 87(2)(b) has not filed a notice of claim with the New York City Comptroller's Office in regards to this incident (**Board Review 1**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s second CCRB complaint. § 87(2)(b)
- PO Deluca has been a member of service for three years and has no substantiated complaints. § 87(2)(g)
- Sgt. Dimantov has been a member of service for ten years. Sgt. Dimantov has one prior CCRB complaint for refusal to process civilian complaint.

Allegations Not Pled

§ 87(2)(b) alleged that he was not riding his bike on the sidewalk and was stopped by PO Deluca without cause. Surveillance video revealed that § 87(2)(b) was riding his bike on the sidewalk and subsequently summonsed for doing so. § 87(2)(g)

Findings and Recommendations

Allegation A –In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca threatened to issue summonses to § 87(2)(b)

Allegation B – In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca made remarks to § 87(2)(b) based upon ethnicity.

Allegation C – In front of 2271 Hylan Boulevard in Staten Island, Police Officer Vanessa Deluca threatened § 87(2)(b) with the use of force.

On May 2, 2017, § 87(2)(b) submitted an online complaint with the narrative, “I was riding the Bicycle away from the Road, since No Bicycle line on the Road” (**Board Review 7**). On May 3, 2017, during § 87(2)(b)'s intake call, and during his in-person interview with the undersigned investigator, § 87(2)(b) claimed that he was walking his bicycle on the sidewalk, and that he was not riding it when he was stopped by PO Deluca and PO Milone. § 87(2)(b) was stopped after making eye contact with PO Deluca, who he has been stopped by before, which he subsequently made a complaint about. PO Deluca requested § 87(2)(b)'s ID, which he provided, and then she went into the patrol car to issue summonses. When PO Deluca exited the patrol car and approached § 87(2)(b) to issue him the two summonses, PO Milone went back into the patrol car, leaving § 87(2)(b) and PO Deluca alone. While PO Deluca was alone with § 87(2)(b) she told him that every time she saw him, even if he was walking, that she would give him tickets until he was drained of his money. She further explained that § 87(2)(b) would have to leave the area or go back to his country. PO Deluca also told § 87(2)(b) that if he was to run away from her, that she would shoot him and that she would have an excuse to do so (**Board Review 4**).

PO Deluca was on patrol when she saw § 87(2)(b) riding his bicycle on the sidewalk. Bicycle violations were conditions that officers were asked to address as the area was having issues with bicycle violations at the time. § 87(2)(b) claimed that PO Deluca had stopped him in the past; however, she did not recall the interaction. PO Deluca requested § 87(2)(b)'s ID and went back to her patrol car to write summonses. While writing the summonses, PO Deluca saw § 87(2)(b)'s name and remembered that she did stop him approximately one year earlier, but she did not recall any details of the stop. At no point was she alone with § 87(2)(b) without her partner. PO Deluca did not tell § 87(2)(b) that she would summons him every time that she saw him until he was drained of his money, that he needed to go back to his country, or that if he ran that she would shoot him (**Board Review 5**).

Surveillance video obtained from 2271 Hylan Boulevard captured the entirety of the incident. § 87(2)(b) was depicted riding his bicycle on the sidewalk immediately prior to being stopped. At no point did the video depict PO Deluca alone with § 87(2)(b) (**Board Review 6**).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Inside of the 122nd Precinct stationhouse, Sergeant Ilya Dimantov did not process § 87(2)(b)'s complaint regarding an officer.

§ 87(2)(b) stated that after the incident, he went to the 122nd Precinct stationhouse and attempted to file a complaint. Sgt. Dimantov told § 87(2)(b) that he could not file a complaint at the same precinct that the officer worked at. Sgt. Dimantov then pointed at the CCRB sign, which was behind the main desk, and told § 87(2)(b) to call the CCRB directly. Sgt. Dimantov then gave § 87(2)(b) a blank complaint form and told him that it would take a long time to process, and that it is better to process it directly with the CCRB (**Board Review 4**).

Sgt. Dimantov denied telling § 87(2)(b) that he could not file a complaint at the same precinct that the officer worked at. Sgt. Dimantov provided § 87(2)(b) with a blank complaint form and told him that it would take approximately thirty minutes to file it at the stationhouse. Sgt. Dimantov also informed § 87(2)(b) that he could file it with the CCRB directly, and pointed at the CCRB sign located behind the main desk. Sgt. Dimantov did not discourage § 87(2)(b) from filing the complaint at the stationhouse, but instead was giving § 87(2)(b) all his options. § 87(2)(b) stated that he was going to call the CCRB and left the stationhouse (**Board Review 8**).

§ 87(2)(g)

Squad: 12

Investigator:	_____	<u>Thomas Juliano</u>	<u>July 24, 2017</u>
	Signature	Print	Date
Squad Leader:	_____	<u>SI Lily Carayannis</u>	<u>July 24, 2017</u>
	Signature	Title/Print	Date